

Jessie Steffan

From: Jessie Steffan
Sent: Monday, July 16, 2018 1:33 PM
To: Wheaton, Andrew
Subject: Molina - Pltf docs, RFPs attached, videos mailed
Attachments: 2018-07-13 COS RFP to City.pdf; 2018-07-13 RFP.pdf; Molina - Bates PI-001-285.pdf

(Andrew – Please see below. I drafted the following email on Friday, but for some reason it got stuck in my outbox. I mailed the RFPs and COS on Friday, so they're dated 7/13, but of course the discovery response period won't begin running until today (7/16) when I actually successfully send this email. I'm sorry for the confusion!

PS – I have that Officer Wethington was served 6/7 (ECF 46), which I believe made his answer due 6/28. Do you plan to enter your appearance on his behalf? If so, we consent to the filing of that answer out of time.)

Dear Andrew,

I hope you're well.

I've attached documents Bates 001-285, which were disclosed in Plaintiffs' R26 disclosures, as well as Plaintiffs' First RFPs directed to the City and a certificate of service thereof. Today, I also mailed copies of the RFPs and COS as well as thumb drives that contain the videos disclosed as part of initial disclosures. As we discussed, please download the videos and then use the thumb drive (or another empty drive) to send the media referenced in the City's initial disclosures.

As you may be aware, service of process on the individual defendants has taken a lot more time than expected (at least, than I expected!). Many of the individual officers did not consent to the City accepting service on their behalf, so we've had to track down each officer individually. I've been checking in with the process server every few days. Two defendants remain. My understanding is that one is still employed with the Department and one is not. In light of the service issues, I am hoping you will consent to a motion to extend the discovery deadline. It is currently set for October and we would hope to extend it until December. That would necessitate moving the dispositive motion deadline, hopefully to run concurrent with the end of discovery, leaving the trial date unchanged. What are your thoughts?

Relatedly, we have received the referral to ADR and designation of neutral is due soon. Do you believe that it would be beneficial to move the ADR referral period in light of the service issues? Either way, would you like us to provide some suggestions for a mediator or do you have some folks in mind?

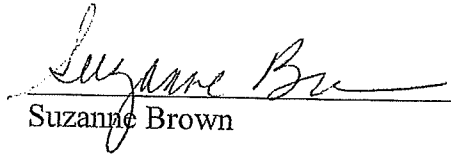
Thank you,
Jessie

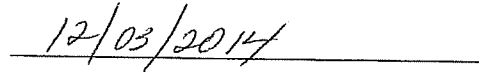
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I, Suzanne Brown, to hereby state, declare and depose that the following information is true and correct to the best of my knowledge and memory.

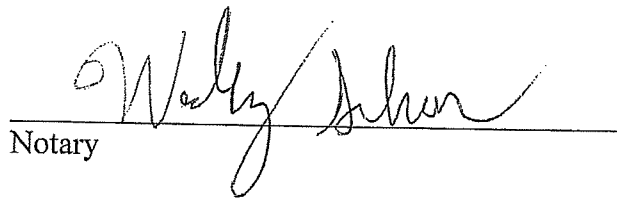
1. My name is Suzanne Brown. I was born in Sikeston, Missouri on October 30, 1950. I currently reside at 1111 Basswood Lane, Olivette, MO 63132. I am attorney licensed to practice law in the State of Missouri. My office is located at 9300 Olive Blvd., Olivette, MO 63132.
2. On November 25, 2014, I was observing a protest demonstration as a part of the National Lawyers Guild Legal Observation Team. I was accompanied by another attorney acting as a Legal Observer, David Harris. At slightly after 2:00 p.m., the demonstrators walked up an off ramp of Highway I-70/I-44 just north of the MLK Bridge in downtown St. Louis, Missouri.
3. All but a few protesters lined up to block the south bound lane of the highway. A small number of protesters sat down on the road and the others stood immediately behind them. A large number of police in riot gear lined up facing the protesters approximately 20-30 feet from them. I was standing to the south of the protesters and almost even with the police line. I was standing in back of a concrete barrier. There were perhaps 20 or so people standing behind the barrier near me as the great majority of demonstrators were standing across the highway behind the sit-downers.
4. Shortly after the sit-down protesters sat down, the police officers began to approach the crowd in unison. I could not read any names on the front of the police officers uniforms, but I could see that they each had a pseudonym taped to the backs of their helmets such as Mr. Green, Mr. Blue, Mr. Pink, Mr. White, Mr. Red, etc.
5. As the police began to approach the protesters, a demonstrator who was standing immediately to my right on top of the concrete barrier began shouting loudly and repeatedly to the police, "You'd better get used to this." He repeated this shout at least 5 or 6 times.
6. Without any warning, one of the police officers who was standing slightly to the rear of the police formation turned towards the barrier, approached, and without saying a word, pepper sprayed the individual who had been shouting. Because I was standing next to that man, I also was sprayed, as well as other people who were standing nearby. The people standing in back of the barrier immediately ran to the exit ramp causing a small stampede. After wiping off what spray I could, I returned to the barrier, but I could not identify the police with the spray, although I did get a distant photograph of him holding his spray can before he began walking towards us.
7. Shortly thereafter, the police in formation began to pepper spray the sit-downers and standing demonstrators behind them to get them to move. The disabled sit-downers were arrested and handcuffed and removed from the scene. At that time, the protesters left the site and moved to the bottom of the exit ramps to continue their demonstration.

The above statement is true and correct to the best of my knowledge and memory, and is given under penalty of perjury.


Suzanne Brown



Subscribed and sworn to before me this
3rd day of December, 2014.


Notary

